

Patent

Customer No.: 31561  
Docket No.: 13063-US-PA  
Application No.: 10/710,843

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 12 2008

In re application of

Applicant : Lin et al.  
Application No. : 10/710,843  
For : A METHOD OF MANUFACTURING  
SEMICONDUCTOR LASER DEVICE  
STRUCTURE

Notice of Allowance Mailed : November 30, 2007

Art Unit : 2823

Examiner : LEE, JAE

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND REVIVE**  
**APPLICATION UNDER 37 CFR 1.181 (a)**

+1-571-273-8300

(via fax: 2 + 10 pages)

U.S. Patent and Trademark Office  
ATTN: Office of Petitions  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Dear Sir,

This is a petition to withdraw holding of abandonment for the above-identified Application No. 10/710,843, which became abandoned on March 6, 2008 due to failure to timely pay the Issue Fee. Applicants hereby respectfully submit the below listed evidences to prove the legitimacy of the request under 37 CFR 1.181(a) of the above-identified application.

- ✓ Notice of Abandonment issued March 10, 2008 in 1 page,
- ✓ Notice of Allowance and Fee Transmittal (Form PTOL-85) in 2 pages,
- ✓ Transmittal Letter and Confirmation Receipt of Facsimile dated Feb. 19, 2008 in 3 pages,
- ✓ Deposit Account Statement for Account No. 50-2620 for the month of February 2008 in 4 pages.

Please be kindly advised that the Applicants responded to the Notice of Allowance and Fees Due mailed November 30, 2007 on **February 19, 2008** by requesting the Office to charge the Issue Fee and Publication Fee in the total amount of US\$1020 as a Small Entity to Deposit Account 50-2620. Only immediately after the reply to the Notice of Allowance, it came to the undersigned's attention that there

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was insufficient fund in the Account, and the amount of US\$100,000 was immediately remitted on the following day, **February 20, 2008** into the said Deposit Account 50-2620 to replenish the account. Please refer to the page 3 of the Deposit Account Statement for Account No. 50-2620. Nevertheless, the Applicants received a Notice of Abandonment issued March 10, 2008 which indicated the reason for the abandonment was due to failure to timely pay the issue and publication fees.

Since the time limit for responding to the Notice of Allowance and Fee(s) was **February 29, 2008**, and there was sufficient fund (in the amount of USD\$73,852.00, please refer to the page 4 of the Deposit Account Statement for Account No. 50-2620,) in the account for the payment of the issue fee prior to and on the due date, the Applicants respectfully submit that the reply to the Notice of Allowance was prompt and adequate. Hence, the abandonment of the above-identified application by the Office is inappropriate and a withdrawal of the holding of abandonment under 37 CFR 1.181(a) is courteously solicited.

Thank you for your assistance in this regard. Should you need any further information, please feel free to contact the undersigned.

Respectfully Submitted,  
JIANQ CHYUN Intellectual Property Office

Date: March 12, 2008By: Belinda Lee

Belinda Lee

Registration No.: 46,863

Please send future correspondence to:

7F, -1, No. 100, Roosevelt Rd.,

Sec. 2, Taipei 100, Taiwan, R.O.C.

Tel: 886-2-2369 2800 Fax: 886-2-2369 7233 / 886-2-2369 7234

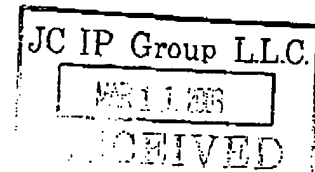
E-MAIL: BELINDA@JCIPGroup.com.tw; USA@JCIPGroup.com.tw

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,843	08/06/2004	Hung-Cheng Lin	13063-US-PA	4842

EXAMINER	
LEE, JAE	
ART UNIT	PAPER NUMBER
2823	
NOTIFICATION DATE	DELIVERY MODE
03/10/2008	ELECTRONIC

7590 03/10/2008  
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI, 100  
TAIWAN

## Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
    - (1) a timely filed amendment which places the application in condition for allowance;
    - (2) a timely filed Notice of Appeal (with appeal fee);
    - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☒ The submitted fee of \$ 0 is insufficient. A balance of \$ 720 is due.  
The issue fee required by 37 CFR 1.18 is \$ 720.  
The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
    - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

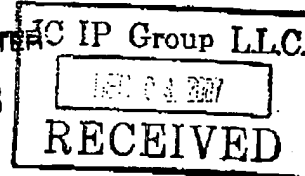
Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

FORM PTO-ABND (Rev. 08/07)

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UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
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## NOTICE OF ALLOWANCE AND FEE(S) DUE

 31561 7590 11/30/2007  
 JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
 7 FLOOR-1, NO. 100  
 ROOSEVELT ROAD, SECTION 2  
 TAIPEI, 100  
 TAIWAN

EXAMINER

LEE, JAE

ART UNIT

PAPER NUMBER

2X23

DATE MAILED: 11/30/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,843	08/06/2004	Hung-Cheng Lin	13063-US-PA	4842

TITLE OF INVENTION: [SEMICONDUCTOR LASER DEVICE STRUCTURE AND METHOD OF MANUFACTURING THE SAME]

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	02/29/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

\* Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

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TRANSMISSION OK

TX/RX NO	3080
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CONNECTION ID	
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RESULT	OK

Patent

Customer No.: 31561

Docket No.: 13063-US-PA

Application No.: 10/710,843

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Applicant : Lin et al.

Application No. : 10/710,843

Filed : 2004/8/6

For : A METHOD OF MANUFACTURING SEMICONDUCTOR  
LASER DEVICE STRUCTURE

Art Unit : 2823

Examiner : LEE, JAB

**TRANSMITTAL LETTER**

002-1-571-273-2885

(Via fax : 1+2 pages)

Assistant Commissioner for Patents  
Alexandria, VA 22314

Dear Sir,

In response to the Notice of Allowance and Fee(s) due, dated November 30, 2007, transmitted herewith please find the Issue Fee Transmittal (PTOL-85B) in duplicate.

Please charge the fee in the amount of \$1020.00 for Issue Fee and Publication Fee to Account No. 50-2620 (Order No.: 13063-US-PA).

Please be kindly advised that the title of the invention has been amended to "A METHOD OF MANUFACTURING SEMICONDUCTOR LASER DEVICE STRUCTURE" in the amendment and response to office action, dated February 13, 2007.

Thank you for your assistance in the subject matter. If you have any questions, please feel free to contact me.


Respectfully Submitted,  
JIANQ CHYUN Intellectual Property Office

**United States  
Patent and  
Trademark Office****RECEIVED  
CENTRAL FAX CENTER****MAR 12 2008****Deposit Account Statement**

**Requested Statement Month:** February 2008  
**Deposit Account Number:** 502620  
**Name:** JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
**Attention:** LEE HUAI-LU  
**Street Address 1:** 7F-1, NO. 100  
**Street Address 2:** ROOSEVELT RD., SEC 2  
**City:** TAIPEI  
**State:**  
**Zip:**  
**Country:** TAIWAN

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	8139	11695056	13683-US-PA-1	1501	\$1,440.00	\$26,802.00
02/01	8140	11695056	13683-US-PA-1	1504	\$300.00	\$26,502.00
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02/01	8509	11952126	26489-US-187(CA)	8021	\$40.00	\$26,422.00
02/04	8368	12017345	25425-US-PA	8021	\$40.00	\$26,382.00
02/04	8369	12018211	24269-US-PA	8021	\$40.00	\$26,342.00
02/04	8370	12018140	22142-US-PA	8021	\$40.00	\$26,302.00
02/04	8372	12017342	22853-US-PA	8021	\$40.00	\$26,262.00
02/04	8374	12017347	23298-US-PA	8021	\$40.00	\$26,222.00
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02/15 7662	11888703	25777-US-PA	8021	\$40.00	\$10,922.00
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02/19 8849	12024113	22305-US-PA	8021	\$40.00	\$3,562.00
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02/19 8857	12022983	23587-US-PA	8021	\$40.00	\$3,402.00
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02/19 8862	12017341	25682-US-PA	8021	\$40.00	\$3,322.00
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02/19 9019	12022125	21756-US-PA	8021	\$40.00	\$2,222.00
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02/19	14474	11759945	21632-US-PA	8007	\$20.00	\$402.00
02/19	14477	11775880	21629-US-PA	8007	\$20.00	\$382.00
02/19	198	10710843	13063-US-PA	1504	\$300.00	\$82.00
02/20	9137	12025059	25100-US-PA	8021	\$40.00	\$42.00
02/20	9138	12025055	25616-US-PA	8021	\$40.00	\$2.00
02/20	50	PAYMENT		9203	-\$99,985.00	\$99,987.00
02/21	15	10707084	10722-US-PA	1801	\$810.00	\$99,177.00
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02/21	6418	11162644	16344-US-PA	1501	\$1,440.00	\$94,127.00
02/21	6419	11162644	16344-US-PA	1504	\$300.00	\$93,827.00
02/21	6450	11335624	25108-US-PA	1501	\$1,440.00	\$92,387.00
02/21	6452	11335624	25108-US-PA	1504	\$300.00	\$92,087.00
02/21	6468	10605237	9758-US-PA	1501	\$1,440.00	\$90,647.00
02/21	6469	10605237	9758-US-PA	1504	\$300.00	\$90,347.00
02/21	6480	11309306	18467-US-PA	1501	\$1,440.00	\$88,907.00
02/21	6481	11309306	18467-US-PA	1504	\$300.00	\$88,607.00
02/21	6495	10709924	13366-US-PA	1501	\$1,440.00	\$87,167.00
02/21	6496	10709924	13366-US-PA	1504	\$300.00	\$86,867.00
02/21	6738	12025783	23553-US-PA	8021	\$40.00	\$86,827.00
02/21	6750	12023039	21507-US-PA	8021	\$40.00	\$86,787.00
02/21	6763	12024120	25069-US-PA	8021	\$40.00	\$86,747.00
02/21	6770	12024118	25639-US-PA	8021	\$40.00	\$86,707.00
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02/21	6888	12025771	24454-US-PA	8021	\$40.00	\$86,627.00
02/21	6897	12025781	24225-US-PA	8021	\$40.00	\$86,587.00
02/21	6909	12025775	24857-US-PA	8021	\$40.00	\$86,547.00
02/21	6964	10708805	12264-US-PA	1251	\$120.00	\$86,427.00
02/21	7003	12025045	21334-US-PA	8021	\$40.00	\$86,387.00
02/21	7493	11690141	23962-US-187	8007	\$40.00	\$86,347.00
02/21	7495	11690140	23963-US-187	8007	\$40.00	\$86,307.00
02/21	7496	11688834	23909-US-187	8007	\$40.00	\$86,267.00
02/21	23	10709006	12530-US-PA	1801	\$810.00	\$85,457.00
02/21	24	10709006	12530-US-PA	1251	\$120.00	\$85,337.00
02/21	67	11161619	16674-US-PA	1501	\$1,440.00	\$83,897.00
02/21	68	11161619	16674-US-PA	1504	\$300.00	\$83,597.00
02/21	12	29302514	26917-US-PA	1051	\$130.00	\$83,467.00
02/21	15	29302512	26916-US-PA	1051	\$130.00	\$83,337.00
02/21	44	11162866	17122-US-PA	1402	\$510.00	\$82,827.00
02/21	89	11306563	17332-US-PA	1202	\$50.00	\$82,777.00
02/21	90	11306563	17332-US-PA	1252	\$460.00	\$82,317.00
02/21	95	10065091	5486-US-PA	1801	\$810.00	\$81,507.00
02/22	7325	11941087	23819-US-187	8021	\$40.00	\$81,467.00
02/22	37	10908988	15787-US-PA	1801	\$810.00	\$80,657.00
02/22	115	10904296	13773-US-PA	1801	\$810.00	\$79,847.00
02/22	72	11160821	16079-US-PA	1801	\$810.00	\$79,037.00
02/22	73	11163051	17271-US-PA	1801	\$810.00	\$78,227.00
02/25	19295	6797344	25774-US-PA	8021	\$40.00	\$78,187.00
02/25	56	29302515	26918-US-PA	1051	\$130.00	\$78,057.00
02/25	57	29302516	26919-US-PA	1051	\$130.00	\$77,927.00
02/25	28	11308830	16016-US-PA-1	1801	\$810.00	\$77,117.00



02/25 29	11308830	16016-US-PA-1	1251	\$120.00	\$76,997.00
02/26 7977	11688838	23900-US-187	8007	\$20.00	\$76,977.00
02/26 7978	11688879	23907-US-187	8007	\$40.00	\$76,937.00
02/26 7986	61031358	27322-US-PA	2005	\$105.00	\$76,832.00
02/26 8025	12025060	25004-US-PA	8021	\$40.00	\$76,792.00
02/26 8031	12025057	21917-US-PA	8021	\$40.00	\$76,752.00
02/26 8034	12025780	21691-US-PA	8021	\$40.00	\$76,712.00
02/26 8039	12025784	25672-US-PA	8021	\$40.00	\$76,672.00
02/26 8043	12025779	25671-US-PA	8021	\$40.00	\$76,632.00
02/26 8044	12025056	23225-US-PA	8021	\$40.00	\$76,592.00
02/26 8046	12025787	25439-US-PA	8021	\$40.00	\$76,552.00
02/27 7740	12014082	26979-US-187	8021	\$40.00	\$76,512.00
02/27 7774	12017352	26674-US-187(CA)	8021	\$40.00	\$76,472.00
02/27 21	10710346	12851-US-PA	1801	\$810.00	\$75,662.00
02/27 29	11163725	07636-US-PA-1	1402	\$510.00	\$75,152.00
02/29 8003	12031718	25681-US-PA	8021	\$40.00	\$75,112.00
02/29 8080	12031716	25345-US-PA	8021	\$40.00	\$75,072.00
02/29 8101	12032701	22932-US-PA	8021	\$40.00	\$75,032.00
02/29 8131	12032699	25027-US-PA	8021	\$40.00	\$74,992.00
02/29 8156	12032691	25360-US-PA	8021	\$40.00	\$74,952.00
02/29 8176	12032700	24969-US-PA	8021	\$40.00	\$74,912.00
02/29 8623	10711280	10721-US-PA	2501	\$720.00	\$74,192.00
02/29 8625	10711280	10721-US-PA	1504	\$300.00	\$73,892.00
02/29 8654	12023040	21585-US-PA	8021	\$40.00	\$73,852.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$28,242.00	\$54,375.00	\$99,985.00	\$73,852.00

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